

**UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

---

MARC GRANO, as personal  
representative of the WRONGFUL  
DEATH ESTATE OF JONATHAN  
ANDREW GARCIA, and a Next Friend  
to J.O.G., A.S.R., An.J.G., and Ar.J.G.,

Plaintiff,

vs.

STATE OF NEW MEXICO, GREGG  
MARCANTEL, New Mexico Secretary of  
Corrections, DAVID JABLONSKI, New  
Mexico Secretary of Corrections,  
CLARENCE OLIVAS, Deputy Warden  
of Penitentiary of New Mexico, BRIAN  
LUCERO, Corrections Officer, FNU  
MARTINEZ, Corrections Officer,  
FNU BACA, Captain, Corrections  
Officer, FNU WELLS, Sergeant,  
Corrections Officer, and JOHN DOES 1  
through 5, employees, staff, agents of  
Penitentiary of New Mexico,

Defendants.

No. 1:20-cv-00147-PJK-KK

---

**ORDER DISMISSING ACTION WITHOUT PREJUDICE**

---

THIS MATTER comes before the court sua sponte. On June 25, 2020, the court entered an order to show cause why the court should not dismiss this case for failure to timely serve the Defendants. ECF No. 4. Plaintiff responded indicating that he would

serve the defendants and file the returns. ECF No. 5. The magistrate judge entered a text-only order allowing Plaintiff until July 23, 2020 to serve the defendants. ECF No. 6.

Nothing in the record suggests that the defendants have been served.

NOW, THEREFORE, IT IS ORDERED that this action is dismissed without prejudice.

DATED this 21st day of August 2020, at Santa Fe, New Mexico.

/s/ Paul J. Kelly, Jr.  
United States Circuit Judge  
Sitting by Designation